

# EXHIBIT C

N27VHERT

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
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3 HERMÈS INTERNATIONAL, et al.,

4 Plaintiffs,

5 v.

22 Civ. 384 (JSR)

6 MASON ROTHSCHILD,

7 Defendant.

Trial

8 -----x  
9 New York, N.Y.  
10 February 7, 2023  
11 11:00 a.m.

12 Before:

13 HON. JED S. RAKOFF,

14 District Judge  
15 -and a Jury-

16 APPEARANCES

17 BAKER & HOSTETLER LLP  
18 Attorneys for Plaintiffs  
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22 Attorneys for Defendant  
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CHRISTOPHER SPRIGMAN

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1                   THE COURT: Well, I hear what you're saying, and I  
2 think your argument is not without some force. But I think in  
3 the end, it's more important to convey -- or reduce the very  
4 confusion that defense counsel posited was maybe implicit in  
5 their note, so I will go with my proposed instruction.

6                   All right. Stay tuned.

7                   (Recess pending verdict)

8                   THE COURT: So we've received another note which we  
9 will mark as Jury Note 4.

10                  Dear Judge Rakoff, No. 1, if the jury decides that  
11 Mr. Rothschild infringed and diluted the trademark and is  
12 liable for cybersquatting, yet feels there is a First Amendment  
13 protection, is he able to continue selling the NFTs, as well as  
14 keep ownership of the www.metabirkins.com?

15                  No. 2, if we are unanimous on the first three charges,  
16 but can't resolve the First Amendment issue, what happens?

17                  So with respect to No. 2, I think the answer is we  
18 will ask you to continue to deliberate. It's only early  
19 February.

20                  With respect to the first question, I think the answer  
21 is, in effect, that's not to be determined by this litigation.  
22 I can't remember, did plaintiff move for injunctive relief?

23                  MR. WARSHAVSKY: We did, your Honor.

24                  THE COURT: Oh, all right. So it could be determined  
25 by this litigation.